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CENTRAL FAX CENTER****APR 28 2006****FAX TRANSMISSION****DATE:** April 28, 2006**PTO IDENTIFIER:** Application Number 10/785,270-Conf. #3854  
Patent Number**Inventor:** Joel Ruiter**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** RADER, FISHMAN & GRAUER PLLC  
Kristin L. Murphy**PHONE:** (248) 594-0647**Attorney Dkt. #:** 66022-0030**PAGES (Including Cover Sheet):** 5**CONTENTS:** Response to Election of Species Requirement (3 pages)  
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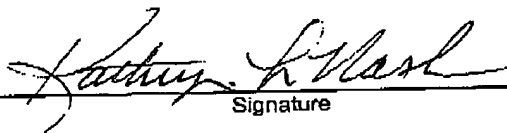
Application No. (if known): 10/785,270

Attorney Docket No.: 66022-0030

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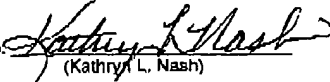
Response to Election of Species Requirement (3 pages)

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(Kathryn L. Nash)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Joel Ruiter

Application No.: 10/785,270

Confirmation No.: 3854

Filed: February 24, 2004

Art Unit: 3637

For: ASSEMBLY WITH MOVABLE WORK  
SURFACE PORTION AND MATERIAL  
HOLDER

Examiner: Not Yet Assigned

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the restriction requirement set forth in the Office Action mailed March 28, 2006.

The Examiner has indicated that the patent application contains claims directed to the following alleged patentably distinct species claimed in the application:

Group I: Figs. 1-5, 10 – Claims 1-3; 8-11; 13-14; 20-25; 29-30; 35-39; and 41-43

Group II: Figs. 6-8, 10 – Claims 1-2; 4-7; 13-14; 26-34; and 41

Group III: Figs. 9-10 – Claims 1-45

Applicant provisionally elects the claims of Group III, with traverse. Accordingly, claims 1-45 are explicitly selected for examination. However, it is respectfully submitted that the subject

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matter of all of the species is sufficiently related that a thorough search for the subject matter of one of the species would encompass a search for the subject matter of the other species. See MPEP § 803, which states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” (Emphasis added). This policy should apply in the present application to avoid unnecessary delay and expense to the Applicant and duplicative examination by the Patent Office.

Indeed, in this case, as can be readily seen by looking at the Figures and reading the specification, Group III is simply a combination of the embodiments of Groups I and II. Accordingly, claims 1-45 all read on the embodiment shown in the Figures of Group III. Thus, the groups are not independent. (See, MPEP §802.01)

As further evidence that the groups are not independent, Applicant respectfully directs the Examiner’s attention to the fact that this application contains multiple generic claims. Indeed, claims 1-2; 13-14; 29-30 and 41 are generic in this application to all three groups.

Based on the foregoing, Applicant respectfully requests that the restriction requirement be withdrawn, as the Examiner will be required to search and examine claims 1-45 presently pending in this application as it relates to Group III and thereby encompassing a search for the other embodiments of Groups I and II.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66022-0030 from which the undersigned is authorized to draw.

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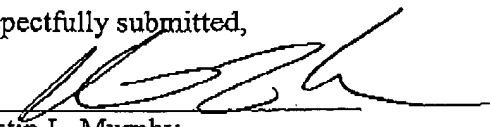
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Dated:

*April 28, 2006*

Respectfully submitted,

By

  
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